

REMARKS

The Office Action of November 6, 2009 was received and carefully reviewed. Claims 1-47 were pending prior to the instant amendment. By this amendment, claims 1-4, 8, 12-15, 18-22, 25-27, 31-34, 36-39, 43 and 47 are amended. Consequently, claims 1-47 are currently pending in the instant application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Initially, it should be noted that claims 1-4, 12-15, 18-22, 25-27, 31-34, 36-39 and 47 are amended to correct minor typographical errors therein.

Claims 8 and 43 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Without conceding the propriety of the rejection, claims 8 and 43 are amended and are believed to be in compliance.

For example, claim 8 recites “any one of the second gate electrode, the first drain electrode and the electroluminescent layer and the second electrode has an end part whose cross-section presents a convex curved shape.” This feature is supported by the specification, for example, by FIG.11B and the general teachings of the specification, which put emphasis on a droplet discharge fabrication method – a direct consequence, of which, is the formation of smooth surfaces and edges.

The Examiner rejects claim 43 under 35 U.S.C. 112, second paragraph, as being indefinite, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, the examiner states that Claim 43 recites the limitation "a droplet discharge method" and that there is insufficient antecedent basis for this limitation in the claim. Applicants note that claims 18, 19, 21, 22, 25, 31 and 37 already recite the feature “the electroluminescent layer is formed by a droplet discharge method,” which appears to be inconsistent with this rejection. These claims are deleted from claim 43.

Accordingly, if there are additional issues with respect to claim 43, Applicants respectfully request that the Examiner provide additional explanation of the rejection.

Applicant notes, at least, section [0196] which recites “it is preferable to form the electroluminescent layer by . . . droplet discharge method” and further “[t]he electroluminescent layer can be formed by ink-jet.”

It is also noted by the Examiner that claim 13 already has “a droplet discharge method.” However, in the case of claim 13, the droplet discharge method is used for the successive formations of a first and a second conductive film, and not for the formation of an electroluminescent layer, which is more specifically provided in claim 43. These are merely recitations of the type of formation method used for each distinct film and layer.

Claims 1, 5-7, 9 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki (U.S. Patent Publication No. 2002/0104995 A) hereinafter “Yamazaki” in view of Tabuchi (U.S. Patent Publication No. 2003/0059717) hereinafter “Tabuchi”. Claims 2 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi, in further view of Arai (U.S. Patent Publication No. 2004/0160167) hereinafter “Arai”. Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi and Arai, in further view of Kobayashi (U.S. Patent Publication No. 2003/0168966) hereinafter “Kobayashi”. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi, in further view of Suh (U.S. Patent Publication No. 2005/0088106) hereinafter “Suh”. Claims 12-17, 43 and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi, in further view of Nakamura (U.S. Patent Publication No. 2004/0216324) hereinafter “Nakamura”. Claims 18-22 and 25-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi, Nakamura and Kiguchi (U.S. Patent Publication No.

2003/0210361) hereinafter “Kiguchi”. Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki in view of Tabuchi, Nakamura and Kiguchi, in further view of Natsuo (Japanese Patent Publication No. 2001/281438). These rejections are traversed for the reasons advanced in detail below.

Specifically, the Examiner’s basis of rejection is essentially grounded on a combination of Yamazaki and Tabuchi. However, each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. As recited in the abstract of the instant patent application, a disclosed object of the invention is to provide a fabrication technology, and the corresponding device, which includes improving adhesion of a pattern. Specifically, section [0009] recites that a photocatalyst may be formed for base pretreatment in the area where a pattern is to be formed. Thus, a photocatalyst layer is formed to enhance the adhesion of a subsequently deposited layer.

However, on page 3 of the outstanding Office Action, the Examiner states that “*it would have been obvious . . . to modify the layer of Yamazaki with the photocatalyst layer of Tabuchi, for the purpose of improving strength and adhesion of the photocatalyst layer.*” Applicant believes that the Examiner misunderstands the invention. The present invention does not relate to an improvement of the adhesion of a photocatalyst layer, but, instead, on the enhancement of the adhesion of a layer formed subsequently on the photocatalyst layer. This distinguishing feature is not disclosed or fairly suggested by Yamazaki or Tabuchi. In addition, none of the remaining secondary references cure the deficiencies of Yamazaki or Tabuchi by disclosing the missing elements thereof.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a

claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that none of the cited prior art references, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1-47. Hence, withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this response, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

NIXON PEABODY, LLP

/Jeffrey L. Costellia, Reg. #35483/
Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080